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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

INDONESIA*

[25 January 1994]

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* The present document contains the additional information requested by the Committee on the Rights of the Child at its fourth session during the preliminary consideration of the initial report of Indonesia (CRC/C/3/Add.10) on 22 and 23 September 1993 (see CRC/C/SR.79-81); see also the report of the Committee on the Rights of the Child on its fourth session (CRC/C/20, paras. 36-54).

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I. GENERAL INFORMATION

1. The Government of the Republic of Indonesia through its Presidential Decree No. 36/1990 has ratified the Convention on the Rights of the Child and therefore agrees to follow all of the articles (54) of the Convention on the Rights of the Child (CRC). However, because of the cultural, religious and environmental backgrounds, the implementation will be in accordance with the national laws, both written and unwritten, and based on the community values and socio-psychological factors prevailing. For those reasons the Government of the Republic of Indonesia inform the international community with a declaration that the implementation of articles 1, 14, 16, 17, 21, 22 and 29 will be adapted in conformity with the national law and the existing conditions within the country.

2. Article 1. The Government of the Republic of Indonesia has similar opinions on the definition of child. However, for particular reasons the Child Welfare Law No. 4/1979 puts the definition of child as a person below 21 years. This is intended to provide better services and protection, specifically for the mentally retarded and disabled children, to the maximum.

3. Article 14. The Government of Indonesia basically has no different opinion about article 14 as a whole. The declaration indicates that the Government of Indonesia gave high assurance on freedom to manifest religion as prescribed by law, namely Muslim, Christian, Catholic, Buddhist and Hindu Bali.

4. Article 16. The new regulation on child welfare is in line with what is stated in article 16. Therefore, the national legislation will be able to support the implementation of article 16 of the CRC.

5. Article 17. Although basically there is no objection at all to the matter stipulated in article 17, however, with regard to paragraph (d) excessive information through the media which is not suitable according to Indonesian culture and outlook shall be avoided.

6. Article 21. Basically national legislation is in line with the stipulations in paragraphs (a), (b), (d) and (e) of article 21. However, because of religious considerations, the unwritten laws do not encourage a bilateral or a multilateral arrangement for intercountry adoption. According to the religious law, the adopted child still has relations with his or her original parents.

7. Article 22. Indonesia has not prepared an explicit law on refugees. In accordance with article 22, the implementation of paragraphs 1 and 2 will be adapted to the respective national laws, whereas the humanitarian aspect is always considered as a main factor in serving the boat people.

8. Article 29. According to the national law there is no distinction in the implementation of article 29, paragraph 1 (a), (c), (d) and (e) and paragraph 2. However, with regard to paragraph 1 (b), the human rights concept which Indonesia follows is the concept that takes into account the diversity of socio-economic, cultural and political realities prevailing in each country.

II. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

9. Measures have been taken and safeguards have been established for the implementation of articles 37, 39 and 40 of the Convention.

10. With regard to the incident at Dili on 12 November 1991, by Presidential Decree No. 53/1991, the Government of Indonesia has established the National Commission of Inquiry (NCI). The NCI has been assigned with the task of conducting the investigation in an independent, meticulous, just and comprehensive manner, with a view to obtaining objective information and facts regarding the incident. The report of the NCI has been distributed to the diplomatic missions, representatives of international organizations and other relevant international bodies.

11. On 28 December 1991, President Soeharto said, inter alia, that the incident should be taken as a lesson and as something on which to make correction and introspection, and he said that such an incident should never be repeated. And then he issued a series of instructions and directives. He replaced the responsible military officers of the region, starting from the commanding officer down to more junior officers, ordered the setting-up of a Military Council to look thoroughly into the policies and actions that were taken by the local security officials in handling the incident and to recommend the necessary steps to be taken. He gave a directive to the Attorney General to start legal proceedings against all those who had broken the law. He also ordered the commander-in-chief of the armed forces to search for those listed as missing by the Commission, and also to clarify the discrepancy in numbers in terms of casualties, and so on. He issued a number of other directives to various ministries and to various officials; to the Economics Minister to intensify the implementation of development policies; to the Minister of Home Affairs to improve the working condition of the civil authorities in East Timor, and so on.

12. The response of the Government, taken together with the report of the Commission and the response of the Government to it, shows the seriousness, the sincerity, and the firmness with which the Indonesian Government proceeded in addressing aspects of this most regrettable incident.

13. The Government of Indonesia (the National Law Development Agency of the Department of Justice) has accomplished the formulation of comprehensive legislation on juvenile justice. The bill (the projected law on the administration of juvenile justice) has been submitted for the approval of the House of Representatives.

B. Children in conflict with the law

1. Deprivation of the rights of the child

14. To avoid deprivation of the freedom of the child in Indonesia, regulations on children have been enacted. Unlike adults, children will be treated differently and in a special way when they are brought to trial.

15. The procedures of such trial are stipulated in the Circular Letter of the Supreme Court No. 6/1987, the Regulation No. 06.UM.01.06/1983 of the Minister of Justice and the regulation of the Minister of Justice No. M.03.UM.01.06/1991.

2. Special treatment for children brought to trial

16. In trying children in a court, the trial should be carried out in accordance with the following procedures:

(a) Closed, although the decision is read out to the public;

(b) Presided over by a single judge. On certain occasions, the chief of the court may arrange a trial by a team of judges;

(c) The child is tried in the presence of his/her parents/foster parents/guardian;

(d) The judge, the prosecutor and the lawyer do not wear their official robes.

17. In order that the decision of the judge assures justice for the child concerned, the judge must have at his disposal reports/description of the personal life of and social reports on the child. These include the following information:

(a) The physical, mental, social and economic conditions of the child;

(b) The situation of the household of the parents, guardian or foster parents of the child as well as the situation of other occupants, if any;

(c) Information on the behaviour of the child at school or in his/her family;

(d) The relations and association of the child in his surroundings, scout movements, etc.

18. Such reports can be obtained from Balai Bimbingan Pemasyarakatan dan Pengembangan Anak (BISPA - a body that provides guidance for children's development) found in the jurisdiction of the court concerned or, if there is no such body within its area, such reports can be obtained from the nearest BISPA or the nearest Child Correctional Institution or place of confinement.

19. Due to the possibility of unstable characteristics and personality of the child, and to his/her sensitivity and emotions, the judge concerned should be selected carefully. It is for this reason that the Chairman of the Supreme Court has issued Circular No. 6/1987 which provides that pending the issuance of the Law on Juvenile Justice, the chief of the court appoints two judges, be they male or female, who are considered suitable to try a child accused of committing a crime. They should be judges who have experience in the problems of children.

20. Special attention must be given to the children accused of violating the law as arranged for in article 45 of the Criminal Law (KUHP).

21. In trying a child under 16 years of age, the judge can:

(a) Return the child to his/her parents without any verdict imposed;

(b) Transfer/hand over the child to the Government's custody. In this case it is without verdict;

(c) Find the child guilty, with a deduction of one third of the sentence.

22. Indonesia applies strictly the principle of legality, to protect human rights, including the rights of the child, based on existing regulations. Article 1 of the Criminal Law stipulates that no one can be penalized for his crime except when it is based on the legislation that existed before the crime was committed.

23. The principle of the presumption of innocence is adhered to; no one can be found guilty, except as so decided by a court after due process of law.

24. Article 330, paragraph (1), of the Criminal Law stipulates that a person who intentionally deprives a child of his/her freedom is liable to imprisonment for a maximum of seven years. Paragraph (2) stipulates that if such deprivation is conducted through deceit or threats of violence against a child who is under 12 years, the punishment will be a maximum of nine years of imprisonment.

25. Article 331 of the Criminal Law stipulates that a person who intentionally hides a child by dragging him/her from the authorities concerned, or hides the child from the supervision of the authorized persons or intentionally drags the child from the investigation by the court/police, is threatened with a maximum imprisonment of four years. If the child is below 12 years, the maximum imprisonment is seven years.

3. Protection of a child from a functionary

26. Article 428 of the Criminal Law stipulates that a functionary (head of an institution which takes care of children) is subject to a punishment of a maximum of one year and four months if he refuses to comply with regulations and legislation that oblige him to show the one who is put in or registered with the institution, or to show all papers which, as a general rule, should be made available before the person concerned is sent to the institution. It should be noted that before a child enters a child correctional institution (Lembaga Pemasyarakatan Anak) the identities of the child concerned should be examined, for example, the name, age, names of parents/guardian, address, photograph, fingerprints, etc. The child's data will be recorded in a register.

4. Conclusion

27. Basically, Indonesia has regulations to prevent deprivation of a child's freedom although there is no special child court available. Regulations that protect children are abundantly found in the civil law, the criminal law, the law of criminal procedure, government regulations, Circular Letters of the Supreme Court, Regulations of the Minister of Justice and decisions of other Departments related to protect the interest of children.

28. Arrest or detention or punishment is the last resort. In principle, children may not be detained, let alone punished, for a crime, considering that children are still unstable and they still need guidance. However, if no other way is found to improve the behaviour of a child the court may arrest, detain or punish him/her. In such case the duration of such detention or imprisonment is always shorter than for adults. There is no life imprisonment or death penalty for children.

29. With regard to the question of the number of children who have been deprived of their freedom, it is difficulty to clarify. As an illustration, here is a list of child-criminals and "State children" (not including civil children):

1989-1990: 3,047 boys and 34 girls.
1990-1991: 2,821 boys and 28 girls.
1991-1992: 2,666 boys and 19 girls.
1992-1993: 2,233 boys and 12 girls.

Their cases include the following:

(a) Civil children are those who, at the request of their parents, are taken into custody until they are 18 years old since their parents/guardians have difficulties in taking care of them. Costs should be borne by their parents;

(b) State children are those having committed crimes. By the decision of the Court of Justice they are placed in a child correctional institution. They remain there until they reach 18 years of age. Costs are borne by the State;

(c) Convicted criminals are children having committed a crime and found guilty by a court of justice. The child is then put into a correctional institution until he is 18 years old. If the child is already 18 years old and his punishment has not been concluded, the child is moved to a correctional institution for adolescents and will remain there until he/she is 21 years old. If he is over 21 years and his term has to be continued, he is then moved to an adult correctional institution and will remain there until his/her sentences are concluded. The procedure of moving is handled by the decisions of the Minister of Justice No. 01.PK.02.01, 1991 of 12 June 1991.

30. The child suspected of having committed a crime is entitled to legal aid starting from his/her arrest (art. 69-70, Law No. 8/1981 concerning the Law of Criminal Procedure). In Indonesia there is no special institution that

provides legal assistance to a child accused of having violated the law. The existing legal aid is an institution that gives legal assistance during the arrest, detention and trial to all people, including children.

Actions taken to implement article 40 of the Convention

31. A child who is deprived of his/her freedom is guided to lead a better life in the community. He/she is given education and working skills, sports, family welfare, scout movements, education in the religion he/she observes and other education which will be his/her assets after leaving the institutions.

32. Education facilities. Formal education (senior high school level - SLTA) is provided both in the rehabilitation centre and the child correctional institution. Such children are educated like those who are outside a correctional institution (Lembaga Pemasyarakatan/LP). After finishing their study in the LP they will get SLTA certificates. There are also LP children who join schools outside the Lembaga. Some of them even prestigious children having prestigious school records.

33. Health facilities. There is a clinic in the LP, with part-time and full-time doctors. If the existing medical facilities are not sufficient and the sick child needs more intensive treatment, he/she will be transferred to the General Hospital and will be taken back to the LP after his/her recovery until his/her term is concluded.

34. Other facilities. Physical and mental actions are taken to cure the child. The institutions provide physical training, scout movement, working skills and other actions leading to physical exercise. They also provide religious education in line with their respective beliefs.

35. There are various institutions available for children who violate the law:

(a) Correctional institutions (LP) under the Department of Justice;

(b) Rehabilitation centres under the supervision of the Department of Social Affairs and other related Departments;

(c) Other NGO/social institutions in the community (community-based institutions).

Special regulations for treatment of children are: the Decision of the Minister of Justice and the Joint Decision of Relevant Minister and other Ministers.

36. Opportunities are provided to enable them to contact their families. The procedure to enable the child to get in touch with relatives/families is arranged in such a way so that they can meet more frequently. A civil child and a State child are given holidays to go home to see their parents. For this there must be an earlier arrangement between the institution and the parents. Basically, civil children, State children and convicted criminals are able to meet as often as possible in order not to break the relations

between parents and children. For the children themselves this would make them feel being taken care of, loved and assisted rather than being isolated and thus to avoid an inferiority complex.

37. Since the child correctional institutions are placed under the Department of Justice, those supervising the institution are:

(a) The Inspectorate General as the internal supervisor of the Department;

(b) BPK (Financial Supervisory Board) dealing with financial matters;

(c) DPR (the House of Representatives). According to the 1945 Constitution, DPR has the right to supervise government activities.

38. Protests related to child abuse and poor treatment in institutions can be made by writing to the leaders of the institutions.

39. Staff taking care of the Lembaga (institution) have never been trained in regulations of the Convention and other international standards related to treatment of children violating the law.

C. Children in situations of exploitation

1. Regulations on the protection of children against economic exploitation

40. These regulations are the following:

(a) Law No. 1/1951 Declaring Labour Law No. 12/1948, articles 1, a and 3 to be in force for the whole of Indonesia;

(b) Staatsblad (Official Gazette) 1925 no. 647: Regulation to limit child labour and nights labour for women; articles 1 and 2;

(c) Staatsblad 1926 no. 87: Regulation on child and adolescent labour aboard the ship; article 2;

(d) Staatsblad 1930 no. 341: Regulation on supervision in mines; article 170 (para. 5), article 171;

(e) Regulation of the Minister of Manpower No. Per 01/MEN/1987 on protection of children who have to work;

(f) Regulation of the Minister of Manpower No. Ke-p748/MEN/1987 on the procedures and reports applicable for companies employing children who have to work.

2. Penalties or other sanctions against employers who exploit minors

41. Ministerial Decree no. 1 of 1987 provides penalty for violations (but the penalty imposed by this regulation is too lenient, that is three months in jail or Rp. 100,000 in fines as the maximum). The leniency of the penalty is

coupled with the lack of supervision by the inspectors of the Ministry of Manpower. There are reportedly 1,200 inspectors nationwide but only 750 of them are said to be active. It is estimated that the ratio of the active inspectors to the number of companies is 1 to 4,000. And the efforts of the active inspectors to charge industrialists with offences are hampered by the existence of the so-called surat lurah - the papers issued by subdistrict chiefs which falsify the ages of the child workers. No one and not a single company has been charged with violation of the law on child labour from the first day of the regulation.

42. The Indonesian Government realizes that the current child labour legislation does not provide the necessary protection for working children and plans to revoke the 1987 ministerial regulation. The Indonesian Government has taken an initiative to hold a tripartite national conference on working children which focuses on action against child labour and protection of working children. The national conference aims to find ways for the Government to handle the problem of working children. In June 1993, a three-day conference was organized by the Yayasan Kesejahteraan Anak Indonesia/the Indonesian Children's Welfare Foundation in cooperation with the International Labour Organisation and the Ministry of Manpower. Around 100 NGO activists and government officials from across the country took part in the conference. As a result, the conference unanimously declared the need to revoke the 1987 regulation.

3. Data on working children

43. Data on children who are working in the labour force, especially in the formal sector, are limited and incomplete because it is considered controversial and there is a tendency to conceal its existence. The most comprehensive source of data on child labour is the household labour force survey carried out by the National Central Bureau of Statistics (CBS). According to the 1990 labour force survey the total number of economically active children aged 10-14 was estimated at 2.4 million or 11 per cent of the population of this age group. This figure represents approximately 3.3 per cent of the total labour force (see annex, table 1).

44. Regarding systems of reporting, article 3 of Minister of Manpower Decree no. 1 of 1987 stipulates that employers who employ children must report to the Department of Manpower. In conformity with this regulation, the Minister of Manpower has passed a ministerial instruction to all heads of regional labour offices to make a report on the status of working children.

4. Difficulties faced by the Government in participating in ILO Conventions relating to the minimum age for child labour

45. Involuntary child labour in Indonesia reaches 2.4 million. Most of them have to work to earn a living so that the Government must issue regulations to protect them in accordance with the ILO Convention. The efforts exerted by the Government at present strive to minimize the number of working children and to protect their rights. It is for this reason that the Government is in the process of drafting a new regulation which would stipulate the rights of the child who is working as well as the sanctions for employers who violate the regulation.

46. It is important to note that although the Indonesian Government has not ratified the ILO Conventions relating to the minimum age of child labour, in drafting its new national labour standard it does refer to those Conventions.

5. Medical evidence of child workers suffering physically or mentally as a consequence of the use of their labour

47. There is no specific labour regulation stipulating the obligation to collect medical evidence about child workers suffering physically or mentally as a consequence of the use of their labour. For this reason in 1985 a study was carried out of the impact of the use of child labour on children's health. It is planned that the Government will make use of the results of the study in drafting a new regulation on child labour.

6. Difficulties encountered and progress achieved in implementing article 32 of the Convention especially with regard to the priorities and specific goals established for its implementation

48. As mentioned above, the Ministry of Manpower is in the process of passing a new regulation on child labour to protect under-age children who, for economic reasons, are compelled to work to support their family. No parent or Government in the world would want to see their children working when they really should be going to school, and children themselves surely would refuse to work if their economic conditions were better. The proposed regulation would stipulate that involuntary child workers are entitled to care and protection and that they should not be employed at work that could hamper the normal course of their growth.

49. The Government has invited NGOs dealing with child labour to participate in the drafting of the new regulation.

50. In 1992 the Indonesian Government and the Director-General of ILO signed a Memorandum of Understanding on the IPEC programme (International Programme on the Elimination of Child Labour). This programme so far has involved the participation of 17 national NGOs in 5 provinces of Indonesia, and another 6 NGOs as well as another province of Indonesia will join the programme shortly. In a carrying out the IPEC programme, a national committee chaired by the Department of Manpower promotes coordination with other relevant government institutions such as the Centralized Bureau of Statistics and the Ministries of Education, Health, Home Affairs, Social Affairs, the Coordinating Ministry of Social Welfare, the National Development Planning Agency as well as UNICEF.

7. Information on the existence of and concrete measures to combat the exploitation of children including the sale and use of drugs, sexual exploitation and sexual abuse, including prostitution

51. Regarding the sale and use of drugs among children, the Indonesian Government has passed Law no. 9 of 1976 on Narcotics. No specific law has been passed to cover sexual exploitation and sexual abuse, including prostitution, among children but the Government has passed several ministerial decrees providing for the handling of those issues.

8. Implementation of the general principles of the Convention, particularly its articles 2, 3 and 12

52. The Government of Indonesia has passed legislation and implemented a number of programmes aimed at promoting the survival, protection and development of children, as well as the welfare of children in general, years before the Convention was adopted. Multisectoral programmes on the promotion and protection of child's rights are as follows:

(a) Health sector

53. Improving the quality and availability of health services has been a high priority in the Government's effort for 25 years (commencing 1 April 1969). In line with this priority, a number of programmes on health development in relation to infants and children are directed towards:

(a) Lowering the death rate of infants and children under five. The results to date have been significant: between 1972 and 1990, infant mortality fell from 134 to 55 per thousand;

(b) Enhancing the standard of students' health through the School Health Programme (SHP). In increasing the effectiveness of the SHP in 1991/92, the number of schools managed by SHP which was receiving training was 42,678 units, or an increase of 15,358 units over that of 1990/91;

(c) Accelerating the achievement of national immunization for infants and children under five years. In 1991/92, the infants who got complete immunization reached 88 per cent. It surpassed the target of Universal Child Immunization (UCI) of 80 per cent projected by the World Summit for Children;

(d) Enhancing the nutritional improvement programme which is covering four main activities as follows:

(i) Prevention of vitamin A deficiency;

(ii) Prevention of iodine deficiency;

(iii) Anaemia prevention;

(iv) Development of food and nutrition awareness;

(e) Enhancing the clean water supply programme to meet the need for clean water, especially for the poor rural and urban people (including children). In 1991/92 various kinds of clean water facilities were constructed, such as 417 reservoirs to collect rainwater, 3,592 public pump wells and 5,101 hydrants.

(b) Education sector

54. Article 31 of the 1945 Constitution stipulates that "every citizen shall have the right to obtain education, and the Government shall establish and implement one national system of education to be regulated by law". The implementation of this provision has been carried out through various efforts as follows:

(i) The six years' compulsory education policy

55. In 1984, the Government declared compulsory (obligatory) education for the six-year primary school level. Primary education is provided in the sekolah dasar (SD), which is supervised technically (curriculum and teachers' qualification) by the Ministry of Education and Culture and administratively under the authority of regional/local government, and Madrasah Ibtidaiyah (MI), supervised by the Ministry of Religious Affairs and adopting the SD curriculum while retaining an additional load of religious subjects.

56. The formal declaration of compulsory primary education in 1984 was preceded by a period of massive investment in primary school expansion from 1973 onwards. Through a Special Presidential Instruction for the development of primary school (INPRES SD), the central Government had provided direct assistance to local government for the construction of school buildings and additional classrooms as well as the physical upgrading (rehabilitation) of existing primary school buildings. The INPRES programme also provided for the recruitment of new teachers and the construction of housing to accommodate teachers deployed in remote areas. (Table 2 in the annex shows the magnitude of physical construction to expand primary education.)

(ii) The nine years' compulsory education policy

57. As Indonesia enters its second 25-year development plan, the 1989 Education Law and the 1993 Basic Guidelines on State Policy stipulate that by 1994, basic education will be extended to include six years of primary education and three years of junior secondary education, i.e. nine years in total.

58. The transition from elementary school to junior high school was estimated at some 65 per cent in 1991. The obvious conclusion is that without special interventions to motivate parents, especially the poor, to send their elementary school graduate children to junior high school, 35 per cent of elementary school graduates will not participate in the national effort to achieve universal nine years' basic education. Therefore Indonesia has designed a strategy aimed at:

(a) Increasing the transition rate from elementary school to junior high school;

(b) Providing distance and out-of-school equivalency programmes for children who cannot attend regular primary and/or junior secondary school for economic, geographical or other reasons;

(c) Eradicating illiteracy completely among people aged 10-44 years;

(d) Providing flexible and relevant continuing education opportunities for drop-out, graduates and newly literates.

(iii) Early Child Development Policy

59. Another major Education For All effort is the Early Child Development Policy. The Government realized early on that the universal provision of pre-school facilities in the form of institutions such as kindergartens simply was not feasible in a country the size of Indonesia. While the Ministry of Education and Culture is planning a dramatic increase in pre-school facilities, full access for all remains a goal beyond this decade. A different and innovative strategy was therefore designated, one that would empower poor mothers and communities with knowledge and skills allowing them to interact with and provide mental stimulation for the very young child, i.e. the 0-3-year-old child. Coordinated by the office of the State Minister for the Role of Women with the National Family Planning Coordination board (BKKBN) as operational agency and implemented by NGOs and women's organizations, the programme became known as Bina Keluarga Balita (BKB), enhancing the role of women in comprehensive child development. Close to 1.3 million mothers in some 18,500 villages have been trained in the programme.

60. In summary, the Indonesian approach to early child development is unique in a number of ways. Firstly, it focuses on the 0-3-year-old children rather than the 3-6-year-old children. Secondly, it aims at educating mothers and communities in early child stimulation thus avoiding expensive solutions such as institutions. Thirdly, it is implemented entirely through NGOs and women's group and thus is very much seen as "belonging" to the community. Fourthly, it has successfully combined parental monitoring of physical and mental growth via the introduction of a unique child growth and development chart based on milestones in Indonesian child development. And fifthly, in 1991, President Soeharto elevated the BKB programme to a "National Movement" thus giving it the highest status and importance possible in Indonesia.

(iv) Budget to finance the Education For All Policy

61. Education in Indonesia is the responsibility of the family, the community and the Government (with the largest contribution).

62. Total public expenditures on education must be added together from the budgets of local, regional and central governments. Although regional government expenditure is financed mainly by central Government transfers, the sectoral allocation of these grants can only be identified from the regional budgets. In addition to the Ministry of Education and Culture, the Ministries of Home Affairs and Religious Affairs are also important in funding and administration.

63. With US$ 1,494,000 allocated for the education sector in 1992/93, education accounted for 13.1 per cent of the total government development budget. Only the transportation, and mining and power sectors rank higher at 19.1 per cent and 13.2 per cent respectively.

64. Primary education receives roughly 25 per cent of the education budget with an allocation of US$ 372 million. Almost 90 per cent of this allocation (US$ 333 million) is channelled into INPRES SD (the Presidential Instruction for Primary School), most of it as direct assistance to local governments for construction of primary school buildings, new classrooms, housing for principals and teachers, rehabilitation of school buildings and operational and maintenance support to all primary schools. INPRES SD also covers the provision of primary school textbooks and library books. The remaining US$ 39 million is managed by the Ministry of Education and Culture and is spent mainly on retraining primary school teachers.

65. Elementary school teacher salaries are managed by the Ministry of Home Affairs and figure in the recurrent budget rather than the development budget.

66. Family contributions are channelled through two funds, namely "contribution to educational development" and "contribution aimed at the strengthening of education". Considering the socio-economic condition of the poor rural and urban people, the implementation of "family contribution" has always been adjusted to their economic capability. Community contributions are mainly provided by non-governmental organizations, religious institutions and private enterprises.

(c) Legal sector

67. The act of ratifying the Convention on the Rights of the Child by the Government of Indonesia commits Indonesia to proceed to the next step of reviewing its national legislation on the rights of the child to bring it in line with the provisions of the Convention. In the context of reviewing and harmonizing the national legislation on children, a number of programmes have been set up and implemented within the authority of the National Law Development Agency of the Department of Justice to support the effort. The Agency has:

(a) Analysed and evaluated the existing national legislation on children;

(b) Undertaken a study and formulated a draft of the proposed Law on the Protection of Girl-child Labour;

(c) Undertaken a study and formulated a draft of the proposed Comprehensive Legislation on the Protection of the Rights of the Child;

(d) Undertaken a study and formulated a draft of the proposed Law on the Status of Children of Non-married Parents;

(e) Submitted the projected Law on the Administration of Juvenile Justice for the approval of the House of Representatives through the State Minister/Secretary of the Cabinet;

(f) Formulated a draft of the proposed Law on the Protection of Child Labour in the Formal and Informal Sectors.

III. IMPLEMENTATION OF THE RIGHT OF FREEDOM OF RELIGION

68. Religious freedom and religious tolerance in Indonesia are guaranteed by the State philosophy Pancasila which has theism as its primary tenet. Article 29 of the Constitution provides that "the State shall be based on the belief in God Almighty" and that "the State shall guarantee freedom to every resident to adhere to his respective religion and to perform his religious duties in conformity with that religion and that faith".

69. In this regard, it is relevant to mention that Pope John Paul II, in October 1989, visited various parts of Indonesia and witnessed religious freedom and religious tolerance being practised. In his speech in January 1990 to the Diplomatic Corps accredited to the Holy See at the Vatican, he stated, inter alia, "I could personally verify the beneficial effects of the inter-confessional understanding in Indonesia where the principle of PANCASILA allows Islam and the other religions practised by the inhabitants of this country to encounter themselves in an harmonious dialogue which is of benefit to the whole society".

70. Furthermore, in 1994, based on the request of Pope John Paul II, the Government of Indonesia will host the World Conference of the Religious Parliaments in commemoration of the centennial anniversary of the Religious Parliaments.

ANNEXES

Table 1

Children (10-14) worked during the previous week, by status

				Status			
Area	Sex	Self-employed	Self-employed assisted by family worker	employer	employee	family worker	total
Urban + rural	Both	120 117	53 269	7 675	243 698	1 988 857	2 413 616
	Male	80 488	37 960	3 798	110 827	1 210 532	1 443 605
	Female	39 629	15 309	3 877	132 871	778 325	970 011
Urban	Both	11 144	2 975	710	73 569	113 640	202 038
	Male	8 234	1 961	202	28 128		97 168
	Female	2 910	1 014	508	45 441	58 643	104 870
						54 997	
Rural	Both	108 973	50 294	6 965	170 129	1 875 217	2 211 578
	Male	72 254	35 999	3 596	82 699	1 151 889	1 346 437
	Female	36 719	14 295	3 369	87 430	723 328	865 141

Source: National Central Bureau of Statistic 1990.

Table 2

Major investments in primary school development, 1973-1992

Major activities		1973-1992	Of which in 1973-1988
1.	School buildings (phased units of 3 classrooms) constructed	148 671	98%
2.	New additional classrooms constructed	164 598	98%
3.	School buildings (public and private SD a/ and MI b/) upgraded/rehabilitated	353 508	73%
4.	Housing for headmasters and teachers constructed	264 745	97%
5.	Housing for school guards constructed	61 846	98%
6.	Number of teachers (classroom teachers and teachers in the subject of religion) recruited	865 824	86%
7.	Number of school guards recruited	157 064	99%
8.	Number of teachers upgraded (several times)	4 244 235	93%
9.	Textbooks provided	655 399 594	97%
10.	Library books provided	289 128 135	84%
11.	Science, mathematics, educational equipment sets provided	1 782 901	52%
12.	Pre-vocational, arts and sports equipment sets provided	631 391	98%
13.	Number of schools (public and private SD and private MI) provided with funds for operation and maintenance	168 487	Since 1988

Source: Appendix to Presidential address of accountability at the session of the People's Consultative Assembly (MPR), 1 March 1993, Table XVI-2.

a/ Elementary school.

b/ Islamic elementary school.

Table 3

Primary-level education: intakes, enrolments, drop-outs and graduates, 1973-1988

Description	1973	1980	1985	1988
1. Annual intake (new entrants to grade 1) (in millions)				
(a) SD a/	2.5	4.4	4.2	4.5
(b) MI b/	0.7	0.6	0.5	0.6
(c) SD + MI	3.2	5.0	4.7	5.1
2. Total enrolments (grade 1-6) (in millions)				
(a) SD	13.1	22.5	26.5	26.7
(b) MI	2.7	3.2	3.4	3.4
(c) SD + MI	15.8	25.7	29.9	30.1
3. Annual graduates (in millions)				
(a) SD	1.1	2.0	3.4	3.6
(b) MI	0.2	0.3	0.2	0.2
(c) SD + MI	1.3	2.3	3.6	3.8
4. Annual drop-outs (SD pupils only) (in millions)	...	1.1	1.1	1.2
5. Graduates continuing to junior secondary level (SD graduates only) (in millions)	0.7	1.3	2.1	2.2
6. Net enrolment rate (SD and MI)	67.0%	88.0%	99.0%	99.0%
7. Gross enrolment rate (SD and MI)	105.0%	115.0%	121.0%	116.0%
8. Drop-out rate (SD only)	...	4.9%	4.1%	4.5%
9. Completion rate (critical survival rate) (SD only)	...	...	78.0%	75.0%
10. Continuation rate (SD only)	59.0%	74.0%	65.0%	68.0%

a/ Elementary school.
b/ Islamic elementary school.